

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEBORAH OUSLEY,

Plaintiff,

v.

RESCARE HOMECARE,

Defendant.

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No. 4:13CV898 SPM

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for equitable tolling of the ninety-day limitations period under Title VII and the Age Discrimination in Employment Act ("ADEA"). Plaintiff states a sufficient case of excusable neglect such that this case should go forward beyond 28 U.S.C. § 1915(e) review and be briefed by the parties. As a result, the Court will order the Clerk to issue process on this action. The Court makes no decision at this time whether equitable tolling is proper.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for equitable tolling [Doc. 6] is **GRANTED** in part and **DENIED** in part, as stated above.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue on the complaint.

Dated this 30th day of May, 2013.

/s/Shirley Padmore Mensah

SHIRLEY PADMORE MENSAH

UNITED STATES MAGISTRATE JUDGE